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July 16, 2010

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**VIA E-MAIL: [JJORDAN@FEC.GOV](mailto:JJORDAN@FEC.GOV)  
& COURIER**

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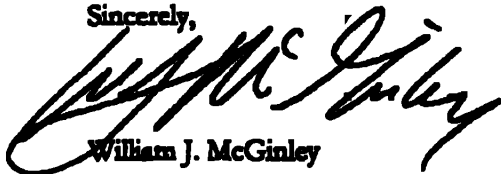
Re: MUR 6296  
Americans for Job Security

Dear Mr. Jordan:

Please find attached the response of our client, Americans for Job Security, to the complaint filed against it in the above-referenced matter.

Please do not hesitate to contact us with any questions.

Sincerely,



William J. McGinley

Attachments

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**BEFORE THE FEDERAL ELECTION COMMISSION**

Response of

Americans for Job Security

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MUR 6296

**RESPONSE OF AMERICANS FOR JOB SECURITY  
TO THE COMPLAINT ASSIGNED MUR 6296**

**INTRODUCTION**

The Complaint filed against Americans for Job Security ("AJS") and assigned MUR 6296 rests on pure, unbridled speculation. Americans for Job Security is well aware of, and strictly abides by, federal law and Federal Election Commission regulations regarding improper coordination. AJS did not coordinate the communications in question with Ken Buck or his agents, his campaign for U.S. Senate or its agents, or any political party committee or its agents. Accordingly, we respectfully request that the Commission dismiss the Complaint immediately and take no further action.

**ANALYSIS**

Put simply, Americans for Job Security *did not engage in improper coordination* with Ken Buck or his agents, his campaign for United States Senate or its agents, or any political party committee or its agents. The Complainant's allegations to the contrary are not based on personal or even reliable secondhand knowledge. Instead, the Complainant seizes upon one quote in a newspaper article which was followed by a reasonable, undisputed explanation that the Complaint ignores.

The Complaint provides one statement made by an agent of Ken Buck's Senate campaign, Walter Klein, a media buyer,<sup>1</sup> who told a reporter that AJS had placed television advertisements that would air from April 13 to 23, 2010. *See* Complaint at 3-4. At the time of Mr. Klein's statement,

<sup>1</sup> Public information indicates that Mr. Klein is a media placement vendor and principal of Walt Klein Advertising. *See* [www.wka.com](http://www.wka.com). Media buying is among the services advertised by the firm. *See* [www.wka.com/media.php](http://www.wka.com/media.php).

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AJS had already digitally sent the advertisement to television stations, where information about it was available to Mr. Klein and to anyone who knew how to ask for it. *See* Exhibit C (Affidavit of Amber Blondin). In fact, AJS's ads were purchased and digitally sent to stations *four days* before Mr. Klein, a media buyer, was quoted discussing the ads. *See* Exhibit C; Complaint Exhibit K.

As the Complainant conveniently failed to note in an amendment to the Commission, Ken Buck himself later explained Mr. Klein's statements:

The whole FEC complaint is that way. "Well, Walt Klein must have known." Walt Klein mentioned something about the amount of this media buy. Well, he mentioned it because the people that were selling the commercials at these TV stations call (campaigns) on a regular basis— and the Norton campaign knows this — and they say, "There's been a media buy. It's for \$40,000 on Channel 9, would you like to make a buy?" And so Walt just puts this together and says, "Well, it looks like it's about a \$200,000 buy and it's in these three markets," because that's where you get the sales from. But does that mean we've collaborated in some way on the content of the commercial or on the buy? It's just nonsense.

*See* Exhibit A (Colorado *Statehouse* interview with Ken Buck, June 29, 2010).

In addition to offering this obvious explanation for Mr. Klein's public statements, Americans for Job Security strongly denies any wrongdoing:

- The information used to create, produce and distribute the AJS issue advocacy advertisement was obtained from public sources such as press articles, and other publicly available policy information. *See* Exhibit B (Affidavit of Stephen DeMaura).
- Americans for Job Security *did not engage in improper coordination* with Ken Buck or his agents, his campaign for United States Senate or its agents, or any political party committee or its agents. *See id.* The decision to fund communications in Colorado was made by AJS alone. AJS alone, with the help of its vendors, developed the content of the communications. The communications were not made in cooperation, consultation, or concert with, or at the request or suggestion of, Ken Buck or his agents, his campaign for United States Senate or its agents, or any political party committee or its agents. None of these persons or entities were involved *at all* in decisions regarding the content, intended audience, means or mode of the communications, specific media outlet used, or the timing, frequency, size, or prominence of the communications. *See id.*
- Indeed, the communications were not created, produced or distributed after *any* discussions between AJS and Ken Buck and his agents, his campaign for United

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States Senate and its agents, or any political party committee and its agents. *See* Exhibit B. AJS did not communicate with the Buck campaign at any point or in any manner about the communications discussed in the Complaint assigned MUR 6296, or any other communications whatsoever. *See id.*

- The communications do not republish, disseminate or distribute in whole or in part campaign materials prepared Ken Buck or his campaign for U.S. Senate. *See id.*
- AJS regularly vets vendors to ensure that there are no common vendors between AJS and a party or campaign committee in a particular state or market. The vetting process includes confirmations from vendors themselves as well as checking publicly available material such as news and FEC reports. As a result of this due diligence, AJS is confident that it has not retained vendors common to the Buck campaign, or any relevant political party committee. *See id.*
- AJS's media vendor followed all normal protocols and did not engage in any communications with Ken Buck or his agents, his campaign for U.S. Senate or its agents, or any political party committee or its agents. The media buying strategy was based on public information available from the television stations. *See* Exhibit C (Affidavit of Andrew Blordin).

Commission regulations set forth a three-part test to determine whether a public communication is coordinated with a candidate or his campaign committee: (1) the public communication must be paid for by someone other than the candidate's authorized committee or its agents; (2) one or more of the content standards must be satisfied; and (3) one or more of the conduct standards must be satisfied. 11 CFR § 109.21. The primary issue in this matter is whether the conduct standard was satisfied. Put simply, as the above information indicates, it was not.

The AJS issue advocacy advertisement was created, produced and distributed based on publicly available information that qualifies for the safe harbor to the conduct standards found at 11 CFR §§ 109.21(d)(2)-(5). *See* Exhibit B; 71 Fed. Reg. 33205 ("To qualify for the safe harbor, the person paying for the communication bears the burden of showing that the information used in creating, producing, or distributing the communication was obtained from a publicly available source. . . . [including but not limited to:] Newspaper or magazine articles; candidate speeches or

interviews; materials on a candidate's Web site or other publicly available Web site; transcripts from television shows; and press releases.").

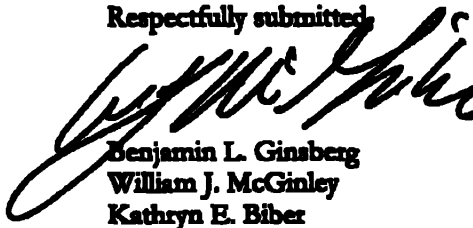
The media buying strategy was based on public information available from the television stations. See Exhibit C; 71 Fed. Reg. 33205 ("the person paying for a communication may demonstrate that media buying strategies regarding a communication were based on information obtained from a television station's public inspection file, and not on private communications with a candidate or political party committee."). See also MUR 5506 (Emily's List), First General Counsel's Report at 6-7 ("And the principal piece of information that might otherwise cause us to doubt the effectiveness of existence of the firewall – the apparently uncontroverted fact that the Castor Committee went off the air in certain markets when Emily's List went on – is adequately rebutted by the Castor Committee's assertion that it made its decision based on information that it did not obtain from Emily's List."). Accordingly, AJS's media buying strategy satisfies the publicly available information safe harbor as well.

Finally, as the attached Exhibits indicate, AJS engaged in ~~no conduct whatsoever~~ that would meet the conduct prong; it engaged in ~~no~~ coordination with Ken Buck or his agents, his campaign for U.S. Senate or its agents, or any political party or its agents. The Complainant does not attempt to prove otherwise because he cannot.

## CONCLUSION

For the reasons stated above, we respectfully request that the Commission dismiss the complaint, close the file, and take no further action.

Respectfully submitted,

A large, stylized handwritten signature in black ink, likely belonging to Benjamin L. Ginsberg, is written over the typed names.

Benjamin L. Ginsberg  
William J. McGinley  
Kathryn E. Biber

July 16, 2010

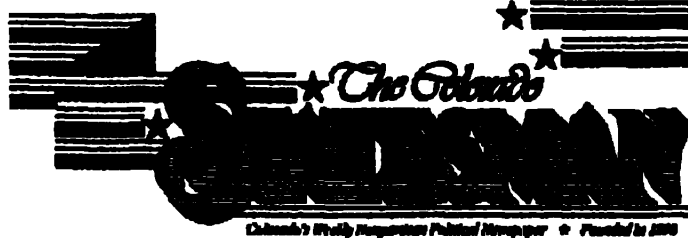
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**Exhibit A**

Not a Member?

SUBSCRIBE NOW

CHECKOUT



## InnerView

## InnerView with Ken Buck

7/24/2010

By Judy Hays (Strogoff) & Donald Loring  
THE COLORADO STATESMAN

Ken Buck, elected Weld County district attorney since 2004, is vying for the Republican nomination for U.S. Senate against former Lt. Gov. Jane Norton. Buck announced his bid in April 2009 and briefly considered dropping out of the race last fall when Norton said she would run. Since then, he won a straw poll held at Republican precinct caucuses in March. After Norton decided to skip the assembly process and position her way onto the ballot, Buck went on to win top line on the primary ballot after taking 77 percent of the delegates at the Republican state assembly. A *Denver Post/News* poll released last week showed Buck leading Norton 53 percent to 37 percent among likely Republican voters.



Ken Buck, Weld County District Attorney

Buck sat for an interview at the office of *The Colorado Statesman* on June 16. Norton visited *The Statesman* June 23, and her interview will be in next week's issue.

Below is the full transcript of the conversation with Buck. The transcript has been edited for clarity.

**Colorado Statesman (CS):** How are things going for you? Are you making the rounds, doing a lot of traveling?

**Ken Buck (KB):** A lot of traveling. We've been in the Front Range most recently, but in the past we've been going around a lot.

**CS:** Are you going to a lot of events where you see your primary opponent?

**KB:** No.

**CS:** Early in the campaign, back when there were a lot of folks running, you did do plenty of forums —

**KB:** We did, we've done 15 forums, and Jane has attended 10 — or less of those 15... Her dad passed away during that first tea, so there was some conflict there.

**CS:** And then before that she was sending some surrogate sometimes, wasn't she?

**KB:** Yes.

**CS:** Do you have forums or debates scheduled?

**KB:** We have one coming up in the Springs next week. I know we have two or three that are scheduled now, and I know I've gotten four or five requests from people that have asked to schedule something, and I've said, "Just contact the campaign and we'll get that scheduled."

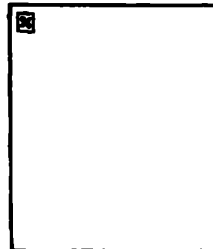
**CS:** Are you anxious to debate?

**KB:** Sure.

**CS:** Is (Jane Norton) friendly (when you see her)?

**KB:** I've known Jane for years, we've been friends.

**CS:** Does she seem to have changed her tack in terms of the way she's campaigning in the last few weeks? More respectful might be one way to put it.

July 9, 2010  
Vol. 111, No. 29

Weld County Republican Party  
We are proud to announce the  
nomination of Ken Buck for  
U.S. Senate. Ken is a  
strong leader and a  
great representative of  
Weld County. We are  
proud to support him.

Help us elect him — let us  
get to work!

Visit  
[www.weldcountyrep.com](http://www.weldcountyrep.com)

WELD COUNTY  
REPUBLICANS



Ken Buck, Weld County Republican Party  
Chairman



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KB: I don't think forceful is the word. I think I would use negative. To the point where (the Denver Post's) Vince Carroll mentioned her tactics resemble a candidate for high school class president, I think was the analogy he used. It is what it is. We're staying on the high road and we're going to continue to deliver our positive message.

CB: Do you think that sort of sides with Jack Swain pointing out heard (as Norton's campaign manager)?

KB: I think the campaign made a number of changes about someone that and there were two of them. I think it was in the Grand Junction (Daily) Sentinel, he talked about his role was to attack, and when asked, "Who are you going to attack?" Ken that was the answer.

CB: Does it seem strange that it's an attack mounted against a fellow Republican or is that what you'd expect in the primary?

KB: It's not what I expect. I have never seen this level and I have been working as a volunteer on campaigns for years. I have never seen this level of negativity.

I've seen outside groups get negative — Club for Growth and organizations like that. I've never seen a campaign be as proud of the negativity as (the Norton) campaign seems to be.

CB: If she wins the primary, is that going to make it difficult for you to support her?

KB: I will support the winner of the primary — it'll be me, but I will support the winner of this primary. I think that Michael Bennett presents a very dangerous path for this country and we need to change that path.

CB: You're assuming your Democratic opponent will be Michael Bennett?

KB: I am assuming it'll be Michael Bennett.

CB: Have you crossed paths on the campaign trail with Michael Bennett at all?

KB: I met Michael once, he was at the July 4th parade in Greeley. And I met Andrew (Romanoff) once at a Sid Country USA lunch.

CB: What are your impressions of Michael Bennett?

KB: He seems very cerebral, I guess would be the word. Very bright and not as outgoing, perhaps, as Andrew. Andrew seems very bright also but outgoing.

CB: And both, of course, are nice and pleasant to you?

KB: Absolutely, absolutely. I imagine that'll change August 11th (laughs), but there's no reason to beat us Ken Buck.

CB: Do you anticipate, if you do win the primary, that you'll be debating whoever wins the Democratic primary?

KB: As much as possible.

CB: It hasn't been since the last time we had a, that we've had to wait this long before Republicans or Democrats really engaged. Two years ago, (Democrat Mark) Udall and (Republican Bill) Bennett were appearing before groups in May and June.

KB: Oh, interesting, I didn't follow that.

CB: That went on for some time. This year it'll be a very quick election.

KB: Well, there's a lot to resolve before the primary, on both sides.

CB: How has fundraising been going?

KB: Well... We've got two new hires. (Buck gestures to his deputy campaign manager and his driver, who accompanied him to the interview.)

CB: You had mentioned the \$5 to \$10 million figure as how much you think it'll cost to win the general election?

KB: I think that's still the ballpark. Most of that, obviously, comes after the primary. A lot of people are sitting on the fence until they see who wins. You know, Walt Klein was the general consultant for Bob Schaffer last (election), and Walt was telling me that Bob ran 10 commercials, Mark ran 13 commercials and 50 commercials were run by outside groups. The money from the outside will still dwarf what happens.

CB: You've already been the beneficiary of some of them. Do you expect them to continue?

KB: I have no idea what's going to happen (laughs).

CB: That's right, you have to keep hands off —

KB: I do keep —

CB: Do you feel those have helped you, though?

KB: I think a lot of things have helped. Certainly, the independent expenditures have helped. More importantly, though, I think the election cycle is a very pro-grassroots election cycle, and that's true across the country. I think there are a number of things within Colorado that have helped. I think we've had a lot of Tea party activism that has been helpful. I think we've had, frankly, some mistakes by my opponent — I think not going into the (state) assembly has been hurtful on one side and helpful for me. So I wouldn't put too much weight on any one factor but I think there are a number of factors that have come together to be helpful.

CB: What was your reaction when you heard that she was going to pull out of the assembly and petition on?

KB: I was surprised. I don't know that there's ever been a successful statewide candidate at the Senate or governor level that has done that. Again, I think it plays into, or it reflects sort of the establishment versus grassroots dichotomy, because when you say that you're pulling out because now you can meet 25,000 people instead of 5,000, you know, she's not meeting any

more people. She pays people to go get signatures, which is much different. I think when people see those kinds of statements that aren't fully true, they start to attribute that establishment label even more to the candidate.

CB: She's been kind of hitting that establishment image and saying she's not the insider and that you are.

KB: That's a hard one to sell, isn't it? (laughs)

CB: Looking at some of the people who are moving on her committee and her endorsements and her connections back east — what are your thoughts on that?  
KB: It was funny. I got (Sen.) Jim DeMint's endorsement, and immediately I was the insider. And in the same breath, she said, "Well, I've got 25 senators endorsing me, what's the big deal that he has one?" And my response to that was, "Well, many of those 25 senators are the problem, and Jim DeMint is the solution." And that's what the big deal is.

CB: (DeMint) himself shouldn't help you raise money. Is he promising as expected?  
KB: Yes. I don't know what my expectations were but he is certainly helping us raise money. He is.

CB: Erik Erickson, of Red State, has also said that he'll make sure that you're well funded. Is that working out?

KB: Well, he is helping raise money. "Well funded" is such an amorphous term, but yes, he is helping. And it's interesting because with Jim DeMint, we got a group of checks and so we know they're from the Senate Conservatives Fund. With Erik Erickson, he posts things on RedState.com and we'll get a check from New Jersey, a check from Georgia — so we assume that they're a response to that because we haven't seen anything else in those states. It's harder to track Erik than it is to track Sen. DeMint's efforts.

CB: This is your first time running as a statewide candidate.

KB: Yes.

CB: Do you do some of the fundraising yourself or not at all? Do you call people?  
KB: I make calls every day. Oftentimes when I go to an event I point out that I am the grass roots candidate, and every dollar helps. And so we have a box of envelopes available at all times to hand out, envelopes at any event.

CB: Is it tough calling people and asking for money? Some people find it really hard to do.

KB: Yeah. All of our guests remind us not to brag about ourselves and not to beg. As a political candidate you end up bragging about yourself and begging. And so it sort of is contrary to our upbringing, but it isn't hard — I feel very passionately about running for this office, and in order to do it successfully, I'm got to be funded. And so it comes from that passion that I am able to ask for money.

CB: Are you raising money online?

KB: There are all sorts of ways, yes.

CB: You've worked on campaigns in Northern Colorado, at least, over the last decade?

KB: For 15 years.

CB: Did any of those have that kind of online presence that's almost required these days? Is that something you're enjoying in the campaign, that way of interacting with people?

KB: Most of the campaigns are run out of the Denver area, so I really haven't seen any online work. I'm sure that Bob Schaffer had an online presence and some others. Really, I don't know — when I donated to Bill Schaffer, my wife and I wrote out a check and handed it to him. I've never donated online, to tell you the truth. I'm scared about buying something with PayPal, I'm part of that generation, I guess. But I think we are being as aggressive as we can with the resources that we have online.

CB: Do you own a BlackBerry, or do you e-mail? Are you in constant touch?

KB: I am. I'm so proud (laughs) T-Mobile (laughs BlackBerry).

CB: Have you done anything with blogging, or on Twitter or any of that?

KB: I write, on Twitter, I Facebook, we use the online media.

CB: Do you feel comfortable with it?

KB: I do, and I think it's great. I mean it's amazing. You have sort of the stereotype that you've got these college kids that are walking around Twittering all day long, or tweeting all day long. But the reality is that I go speak to a senior home, and this group of 60- and 70-year-olds is talking to me about Facebook. So it really has expanded in terms of the demographic that it affects.

CB: And it really has changed the landscape of elections, this year even more so than two years ago — do you notice that your events are attended by folks who've heard about you kind of through the grapevine?

KB: Hard to tell. I think grapevine, yes. And it's hard to tell whether it's just all what we tell the new media stuff or whether it is — we send out e-mails regularly. If I'm going to go to Durango, we'll plaster La Plata County with two e-mails a week before and two days before I get there, so it's hard to tell exactly why. I think it's a combination of factors that will help with attendance at events — a lot of word of mouth, the Tim Portes will be on the phone and they'll call their lists in addition to sending out e-mails and doing other things.

CB: Have there been any votes that Sen. Bennett's made that you approve of, or is he

just wrong on all counts?

KB: (Laughs) You know, I don't want to say that. I would have to look. There are certainly — the key issues that people talk to me about when I'm on the stump are healthcare, the stimulus and issues like that, and I disagree with his votes on those issues. I haven't looked for commonality at this point, it's not something that I'm going to stress in the campaign.

CB: What about the financial reform legislation that just passed out of the Senate?

KB: I would have voted no. He voted yes.

CB: Point by point, any of the things that came up that you liked that came up, or was it just that the whole thing was a mess?

KB: I don't think the whole thing was a mess. I think there are areas that we need to focus on. I followed the beginning of the debate on Glass-Steagall, and I didn't catch the end of what was actually in the legislation as I don't know if it changed much or not. But I certainly have concerns — really, concerns on both sides. One, would be putting customers' bank deposits at risk with involuntary conversions of billions of dollars. But at the same time we have gone down that road, and how we put Paragard back in the bin in that case is also a challenge. So I would look at it to see where that balance is. I think there are areas to be regulated. I think we've got to get our arms around things like derivatives, like there were things that I think needed to be done. In terms of creating more government agencies and some of the other areas that they went down, that concerned me greatly.

CB: The Consumer Financial Protection Bureau?

KB: I am not in favor of it because I don't think they have it well defined. Creating more government does not solve many problems, in my view.

CB: Jane Norton just today produced a new Web ad and read her Web site, concentrating on a message of the War on Terror. Do you have any feelings in terms of what your message is, and how you view the president's foreign policy in Afghanistan right now?

KB: I have pretty clearly laid out my position on Afghanistan. I don't think we should be in the business of nation-building. I think we make a mistake when we think we can transform a tribal nation into a Western-style democracy. We will be there for decades, spend billions of dollars and lose thousands of lives, if that's our goal. I think what we need to do is make sure that Afghanistan is not a safe haven for terrorists. We need to make sure we do our best to disrupt and dismantle the drug flow out of Afghanistan, primarily poppy and heroin flow. I think we need to promote regional stability in Central Asia. Once we've accomplished those goals, I think we need to maintain a minimal footprint. I think we need to withdraw our troops from Afghanistan.

Our enemy, the terrorists, are flexible. They are in Northern Pakistan, they are in Yemen and Somalia and other countries, and we need to be able to attack them where they exist and not try to clean up a mess where they existed 30 years ago. Not to say that there aren't some residual parts of Al-Qaeda, and certainly the Taliban is very active in Afghanistan. We need to have sent a really loud and clear message about what happens when you attack America on our home soil, or anywhere, for that matter. I think if the terrorists do any sort of cost-benefit analysis and it's anything like 9/11, I think we've done a reasonable job in terms of what we've done in Afghanistan.

CB: Is this a big issue that you're focusing on the campaign trail?

KB: The issue of terrorism still concerns folks that I've talked to. The issue of Afghanistan and Iraq, less so. I think the president has made some mistakes as it relates to terrorism. I think his promise to close down Guantanamo now concerns a lot of people because there isn't a good alternative. Okay, we're not going to do A, but it was really never explained to us well, what's B?

And the same with trying to bring Osama bin Laden down in New York City. It killed a lot of people, and so I think we can still believe that there are ways to figure out what the best course is for that. But I think there are some lessons about terrorism that concern Americans. I'm talking to a lot of people I talk to. Our relationship with Israel concerns a lot of people I talk to.

CB: Have you traveled outside the United States?

KB: Yes I have. I have been to Europe, to Switzerland, France, Germany. I have been to the Middle East. I went to South Dakota once. Obviously I've been to Mexico and the countries in Central America on vacation and things like that. I have not been to the Far East.

CB: Where in the Middle East have you been?

KB: I've been to Israel, Egypt, Jordan, to Gibraltar. I don't know that that's the Middle East, but on the way. I was young and my parents traveled, so I was baggage. I remember Gibraltar has monkeys that jump all over the cars, so not the Middle East — I don't want to pull a George Bush here.

CB: Both President Clinton gave us pick two members, one from each party, supervisors Michael Belmont (Belmont) and (Belmont) and (New York Gov.) Chuck Schumer. They help you learn the ropes and so forth.

KB: Really?

CB: (Belmont) tells a lot of stories about the legend that John McCain has had on his family life — his daughters love John McCain and talk it when they fight on TV and so forth. In the Senate had the same composition as today, do you know which two you might pick?

KB: I'd pick Jim DeMint on the Republican side.

CB: Is there a Democrat that you'd pick?

KB: Probably (Vermont Sen.) Bernie Sanders (laughs). I mean, how does a Socialist survive in the United States Senate? If someone can survive that far on the left, there must be some traits that are worth learning about.

CB: Have you thought much of what committees you might want to serve on, if elected?

KB: I hear over and over from Coloradans (that) they're concerned about budget and spending in Washington D.C. So the Budget Committee is one area I'd be interested in serving on. I think there are two committees that have great impact on Colorado, one is agriculture and one is natural resources. Those are two other committees I think a Colorado senator should be on -- at least one of those two committees.

CB: How's your relationship with Mark Udall? He'll be the senior senator, no matter what happens. Have you met him?

KB: I don't know that I have. I've heard a few debates with Mark and Bob. I don't think I ever met Mark. I hear he's a wonderfully nice person. I've heard that from Secret Service agents who had been at events, and just dozens of people, what a nice person he is.

CB: What about Washington State? Is the year like the city?

KB: I lived there for four years. I lived in Falls Church (Va.), actually, and worked in Washington D.C. on Capitol Hill as well as for the Department of Justice. And it's not a place that I would want to live long-term, but I think certainly the work in Congress is intriguing. I've been back once or twice in the last year, and it just strikes me that a lot of the people there -- and I haven't done a poll and I haven't done an interview -- but a lot of the people there don't know where all the money comes from for those beautiful buildings and their salaries. You just drive around and people are like "What's this thing, but you wonder if they ever take a step back and say, 'hey, thank you taxpayers for all of the taxpayer money that you send us we can have these beautiful buildings and this great (ridiculous) system," and all the other things that they think, just for granted.

CB: If you are elected, have you thought about what part of the city you'd live in?

KB: Way far down the road -- I'm trying to figure out what to have for dinner tonight.

CB: It sounds like you probably intend to spend more time back in Colorado than the District.

KB: Absolutely. It's just like anybody, you commute to work, but you go home at night and I plan on being here as much as I can.

CB: Running for the Senate and contemplating serving in the Senate, you'll be dealing with questions far beyond what you have in your current political office and other campaigns. Do you have a kind of a brain trust, people you turn to for advice on foreign policy or economics or some of the things that you should be expected to know?

KB: I have an anonymous brain trust that wants to remain anonymous (laughs). I have friends -- a hospital administrator in northern Colorado, a couple of very prominent veterans of the healthcare issues, doctors and what not. And when I see something that interests me, I call and talk to them. The same thing with the media, the media thing with the issues. So I have a very informal group of people. I don't have a list, but in my mind I wonder what so-and-so thinks of that. On a regular basis, Kyle (Buck's driver) will tell you I'm on the phone nonstop in our car, calling people and talking to them about issues or, when necessary, listening to them about issues.

CB: Your campaign office last spring -- you made a point of visiting all 64 counties when you first jumped into the race. Have you been back to all of those since then?

KB: I haven't kept track the way I did in the spring but I hit some counties. I tell you I've been to El Paso, 30, 35 times and other counties at least once. I've been in Arapahoe and Douglas and the (San Luis) Valley counties a couple of times.

CB: Talking to people all over the state, what have you learned? Has your opinion changed? Have the voters changed your mind on anything in the last year?

KB: The voters have helped me form my mind (laughs). I mean in terms of the priorities. I kept hearing over and over again, the fear of spending and the fear of government growth. That hasn't changed, that's continued. But really, my listening to the voters helped me form not my opinion so much as the priority of issues to talk about.

Medical marijuana is one example. What's interesting is, a lot of times I'll talk and then get challenged with questions and statements in these questions. Up until 10 days ago I was driving myself and so I drove a lot and thought about -- I wonder, how are these two things connected? My view of federal federal government and should the DEA be involved in drug sales in a state that has clearly said, "We have these medical marijuana laws?" So these laws definitely have things that after being challenged by voters and thinking through these issues, I have a more consistent position and thoughtful position on issues.

CB: Are there other local issues that you've come across -- wilderness areas, water issues, things like that? Different parts of the state that you didn't encounter in West County or the 4th District?

KB: You know, the fishery, I was at the 100 Country (House) and they said something about "Hidden Gems." And on this campaign we've talked about the "Wilderness Bill" and the DeGott Wilderness Bill. And as they said, "Hidden Gems."

I was thinking well, I know this has something to do with public land use and what not. So I answered it in terms of public land use but I'm unaware of that and I don't even know whether that term appears on the bill or whether it's just some nomenclature that's been given to it generally. But I have certainly become aware. You know, water is essential in Colorado. It's

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essential in Northern Colorado for farmers and development, just like it is anywhere else. But there are unique issues in different parts of the state, and so these unique sub-issues, I have certainly become more aware of as a result of traveling. And it's the reason I think it's so important for a senator to travel, because I think it's constantly informative to learn from people what their challenges are.

CB: You're kind of a bubble that separates the Front Range from the rest of the state, or is it pretty easy to keep in touch with Colorado as a whole?

KB: I think it is pretty easy to keep in touch. It's an effort that everybody has to begin. You could stay on the Front Range all day long and still not know anybody apart from the people but there are leaves — it's amazing how many people from Wray and as far as Denver, or how many people from Denver end up in Alabama. We travel the state a lot during our lifetime and the oil and gas guy here may be in Grand Junction two years from now. And so their view has been shaped by where they've lived in the last decade, which oftentimes is in multiple places.

CB: Speaking of oil, did you watch the production squeeze that might

KB: I did not. I was getting some.

CB: What are your feelings about the viability of BP? Should the taxpayers be asked to pick up the tab for any of the mess, like say, in terms of the Gulf, the oil spill?

KB: I think there's more than just BP at risk. There are a number of companies that had some role in that particular (offshore drilling) platform, and so I think there are a number of pockets. But I think the company — and certainly it appears that there is negligence in this — if there is negligence, then I think our laws apply and the party that's negligent pays the damages. And there certainly are huge damages in this case.

CB: Should the taxpayers be asked to pay for anything?

KB: I don't think the taxpayers should be asked. You know, as a last resort, if companies are unable to pay and there is continuing damage, we've got to find a way to try to help people out. And really, we saw it with the tornado in Windsor, there's a certain amount that we can rely on companies, there's a certain amount we can rely on the government. But a lot of it is just neighbor-to-neighbor sort of help, and I strongly believe in that sort of assistance.

CB: Did the oil spill change your mind or affect your opinion on offshore drilling?

KB: Yes, it did. It gave me pause. I think it should give every American pause. I don't think that we should completely stop drilling offshore or getting the natural resources that we can offshore, but I think we have to be very, very careful as to how we can be better on our energy with that program. And it also highlighted, really, an area that I have spoken about and heard a lot of concern about, and that is having a much broader energy policy in this country. We've got to make sure that if drilling offshore, drilling in Colorado, too, we've got to make sure we're doing everything we can to drill here. And the same with nuclear energy. If we can develop nuclear energy, we've got to be able to do that. The renewable alternative energies, we've got to look at those. If they're economically feasible, then so much for the better. I really think we have to work as hard as we can — it's got to be one of the priorities in this country — to work towards energy independence. Not that we necessarily need to achieve it in a two-year timeframe, but we have to work towards being energy independent.

CB: Are you energy independent? You have some oil and gas wells on your property, don't you?

KB: You know, I could be. We have the ability to tap into that gas line since the well is on our property. The guy didn't believe us, and we haven't done it since then, but I know when they drill on your property, you can do that. My neighbor to the north — we live on acreage outside Greeley — but he has solar panels, he has his own, I think he has natural gas coming into his property, so he has really taken advantage of that and gone that direction.

CB: Do you have any renewable energy kind of systems? Are you a fan of renewable energy?

KB: I think it's great. I don't know that I'm a fan. I am opposed to government pushing forms of energy. I really think the free market needs to play the primary role in where we go for our energy. And renewable is an essential part of it? I think in the long run that one, but those energy technologies, we've got to figure out how those technologies develop. Coal — you know, every time we scoff at something, "Nuclear energy's terrible," well now nuclear energy's back on the table. Mark Udall is talking about nuclear energy.

CB: It's kind of amazing when you think back many years ago, because he would have been the last person —

KB: Yeah. And take a similar person — all of our nuclear power plants are natural gas power plants. And so, have we developed the technology now in this country that we should be looking at nuclear? They tell me that in the end, even in five or six years we'll be able to take the particulates out of the air, put them back in the ground and have clean coal technology. Well, we shouldn't shut down our coal mines and walk away from it and determine right now that it's never going to be feasible when those technologies are being developed.

CB: Will Colorado make a mistake moving power-generating plants from coal to natural gas?

KB: I think the Legislature made a mistake. I think that if that had made that decision based on the economy and business reasons I don't think it would have been a mistake. But that's up to it...

CB: Private company?

KB: I don't even know if it's a private company.

CB: Public utility.

KB: A monopoly, public utility, to make that decision. But I think when you get legislators

picking winners and losers, either at the state level or the federal level, it's fraught with danger.

CB: You've said in some appearances or newspaper articles that you're not in favor of the Department of Energy. Is that a reason —

KB: No, I haven't said that. What I've said is that the Department of Energy was formed in 1977 with the express purpose of reducing our dependence on foreign oil, foreign energy. We are not more dependent on foreign energy than we were before. If they continue to fail, we've got to look at whether we're failing in that department in comparison to what

I think the Department of Energy could serve a valuable function in terms of helping develop energy sources and energy technology in this country. But if we keep becoming more and more dependent on foreign sources of energy when we have a stated purpose of becoming less, they're clearly not accomplishing their mission.

CB: The campaign manager of your opponent alluded to something on the radio — he's talked about some cloud you were supposedly under when you left the U.S. attorney's office, on (the SHOW) Caple and Silverman (radio show) — your primary opponent first raised it, and then your primary opponent's campaign manager. It's an insinuation about a cloud that you were under when you worked at the U.S. attorney's office. Is there anything that he's alluding to?

KB: You should ask him. I mean, he mentions the cloud, did he explain — ?

CB: Do you know what he's talking about?

KB: (Laughs) No. I can tell you this. When I left the U.S. attorney's office there was no cloud. But I'll tell you this, I am not going to chase Josh Perry runners all over Colorado. If they have the desire to start talking about clouds, they should talk about the details and give the details of what they're talking about.

CB: But from your perspective, there were no clouds?

KB: Yeah. (Perry's) doing that, I'm "the locker."

CB: Well, you had Bill Ritter at your wedding.

KB: Bill Ritter was my best man, right, and that makes me automatically a liberal. You can't have a friend in the other party without actually adopting the views of that other party, obviously.

CB: And then when you have a wedding, you want all the political affiliation of everybody who's there?

KB: You know, I think that's part of the problem with their campaign. It's one thing if you get something out there that has credibility and has some substance to it. It's another thing if you say, "Well, Ken Buck must be a liberal because he's friends with Bill Ritter." Who believes that in America? It's just nonsense.

Everybody that I know, and I talked to a lot of groups and someone says — first of all, (the Norton campaign) got it wrong, saying I was the best man at Bill Ritter's wedding. But someone will ask me that question and it's like, well, no, but Bill was best man at my wedding and you know, I was Bob Deshaizer's campaign director in Weld County when he ran against Bill because I believed in his politics and I believed in Bill's politics. But I liked the guy, he's a great human being and I respect him a great deal and I cherish our friendship. But we disagree on some political issues. You know, Bill Deshaizer and Ervin Hahn were best friends. It happens.

CB: And in typical life, just with human beings, I don't think people have just all Democratic friends or all Republican friends, or just their friends by policy.

KB: Now I'm going to clarify something for you because I want to maintain a trusting relationship.

Were there challenges at the U.S. attorney's office when I was there? Absolutely. Was there a cloud over my head when I left? No. I'm not going to go into the challenges, but I'm going to tell you that when they talk about a cloud, I left that U.S. attorney's office with pride after having served as a prosecutor for 15 years and had resolved any of the challenges that I faced earlier.

CB: Do you know what (Perry) is alluding to?

KB: Well, if he could be a little more specific than "cloud" (laughs).

There were plenty of challenges... And then the other thing, the case I worked in the Clinton Administration. Where that, because it stated it stated that I was political appointee to the Clinton Administration. I started out under Reagan, and then Bush 41 was elected, and then Clinton was elected, and then Bush 43, and I left under Bush 43. So I worked in each of those. Now, a Clinton Administration appointee, Henry Solana, was the U.S. attorney and he promoted me to Chief of the Criminal Division and then Chief of the Criminal Division, so I oversaw all federal prosecutions in Colorado — from a Democrat appointee. Then Tom Strickland came in and I was no longer the chief of the Criminal Division. So there were certainly some challenges while Tom Strickland was U.S. Attorney. Those were resolved and I went on to work at Harold Phelps and run for district attorney.

*[Editor's note: A week after sitting for this interview, Buck received personal files from his in-laws at the U.S. attorney's office. Included in the files was a letter of reprimand written by then-U.S. Attorney General John Ashcroft in 2001, about a letter Buck left for the job at Harold Phelps. (Buck, who is coming up against the former Colorado attorney general, is a supporter of Buck's opponent, Josh Norton, in the U.S. Senate primary.) Buck was reprimanded following a Department of Justice investigation after he disclosed to defense attorneys details about the federal government's case against power brokers indicted for illegal gun sales.]*

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tax pledge. It is fair for voters to evaluate the credibility of the positions in light of past conduct. And past conduct in this case was my opponent was in favor of the largest tax increase in the history of the State of Colorado and I was opposed to it. So I think Referendum C is a fair subject to discuss.

CK: Can we discuss the "insider" versus "non-insiders"? (Your opponent) brings that up and calls you the insider.

KB: Oh, my gosh. Well, if you say something enough times maybe you think you're going to convince someone that it's true, and maybe that's why she does it. But you know, she admitted and I think Lynn Berkele wrote about this in the Denver Post. It was on the blog, that John McCain called her, and the tipping point in her decision to run for United States Senate was the call from John McCain. She has 25 senators, she's put that out, that are on her side. More than half of her money in the last FEC report came from outside Colorado, much of it coming from New York City bankers or Washington D.C. lobbyists.

And it's really a bottom up approach versus a top-down approach. When she announced -- well, first of all I announced. When I announced, I went to all 64 counties. I'd listened to the concerns of Coloradans, I heard what they said about what they needed in Washington D.C. in terms of a senator. I felt that I could meet that standard and I started to run for office. I ran by myself, driving myself, with a staff of one, and then a staff of two, spending minimal money. She announced -- she had the former governor, former senators, former congressmen as her campaign chairs. She has this list of people around the state that were elected officials as legislators or whatever, who were on her side. She had this lobbying arm in D.C. that was helping her. She had the national Republican Senatorial Committee reserve (Web site) domain names and other things for her. So it was two different styles of running.

Up until probably a month ago I'd go to events, I would drive myself to Aspen or I would drive myself to Alamosa. I would get the materials out of my car. As people come in, I would hand them materials. I'd put a sticker on them. She usually has seven people that travel with her to different events like that. So it was the Ken Buck Show versus -- You would go to one of these events in Alamosa and for a while before you got to the event, you see "Jane Moran" on yard signs. I didn't have yard signs (laughs) at that point in time. And she's calling me the insider. I mean, reality doesn't match the rhetoric and when that happens, you lose more credibility when you try to continue to promote that.

CK: Last fall when mainstream media like MSNBC did prior to election the race, Lynn (Berkele) also reported over the weekend that you used phone calls to withdraw from the race and announced that you got so many calls requesting you to stay in that you decided to stay in the race. Why did you consider withdrawing?

KB: We hit the pause button. I hit the pause button on the VCR and sat down with my wife and considered what our options were and whether there was a place for us. Frankly, the goal is to promote conservative principles in Washington, D.C., and was Jane in a better position to do that with the resources that she could bring to bear or not? The word got out that I was thinking about something, and pretty soon, I got a lot of feedback from a lot of people with e-mails, and there were a lot of people that got very active on Facebook and other things. And I decided that yeah, there was a place for Ken Buck and I thought I could win this thing and so I went forward.

CK: Do you enjoy campaigning?

KB: I love it. I love retail politics -- that's what I call it. It's the interaction with people, and the discussion of issues. I love that.

CK: What's your schedule like for the next few weeks?

KB: It sort of ebbs and flows. We get busy before the (state) assembly with trying to contact delegates and alternates. Some of it I did from home in the evening, went to the DA's office during the day and did that. Some of it I did on the road in the evening or weekends or whatever. And the same is true right now: we're not in a hyper-busy part of the schedule right now -- I'm sure as we get closer to August and the ballots going out in late July, that we'll be in that sort of schedule. But right now, I'm calling a lot of people, I'm doing some interviews, we're meeting with some groups, especially on the Front Range. We'll start a -- we're calling it the grassroots tour and getting around to a lot of the communities in the near future.

CK: Do you think Sarah Palin's going to end up endorsing your opponent?

KB: I have no idea.

CK: Is that something that could help her?

KB: I have no idea what the effect would be. I mean, obviously Governor Palin has a lot of credibility with Republicans.

CK: There was the rumor a few weeks ago when she came into town --

KB: Yeah. I didn't start the rumor.

CK: Did you go to meet her?

KB: I did. I've got to tell you, I have never listened to Dennis Prager on the radio, but what a bright guy. He was fascinating.

CK: Thank you for coming by.

KB: You bet.

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**Exhibit B**

**Exhibit C**